

Town of Nolensville  
Planning Commission Meeting  
Regular Meeting  
February 9, 2006  
7:00 P.M.  
At Nolensville Elementary School

Members in attendance were as follows: Matt Happel, Jimmy Alexander, Larry Gardner, Frank Wilson, Rick Fisher, Willis Wells, Charles Knapper, and Bob Haines. John Boyd was absent. Staff present was Henry Laird, Richard Woodroof, Bob Notestine, and Tonia Smith.

Agenda Item I- Meeting called to order by Willis Wells

Agenda Item II- Pledge of Allegiance

Agenda Item III- Elect Officers

Charles Knapper stated he had spoken with quite a few people and he felt it would be important to have someone on the board that was in the new annex area. The process for elected new offers is that the Mayor would elect them. Matt Happel, who lives on Sam Donald, and John Boyd, who lives in Bent Creek Subdivision are the ones that have been elected. They will serve a one year term.

Bob Haines made a motion to ask our chairman to stay on for another year (Willis Wells). Jimmy Alexander seconded the motion, passed unanimously.

Bob Haines amended he motion to have all Chair members to stay the same as followed:

Willis Wells-	Chairman
Rich Fisher-	Vice Chairman
Larry Gardner-	Secretary

Jimmy Alexander seconded the motion, passed unanimously.

Agenda Item IV- Approval of Minutes

Rick Fisher made a motion to approve the minutes. Frank Wilson seconded the motion, passed unanimously.

Larry Gardner stated on page 2 under the revision of landscaping requirements, it states that Bob Haines made a motion, it does not say who seconded and if it was passed.

Richard Woodroof stated he would listen to the minutes from last month so we can add who seconded the motion. It was past to move forward to the Board of Mayor and Aldermen.

Agenda Item V- Citizen Comments

Jerry Lawson – 2824 Rocky Fork Road- stated he is totally against any new development. He supported the Town when it was allowed one house per half acre.

Vickie Lancaster-2436 Fly Road- stated she has lived here for 21 years and have watched her road as a dead end street, to a busy cut threw for people. At night it becomes a drag strip. I drive a school bus for Williamson County and someone runs my stop sign everyday. I feel that in this subdivision the driveway should be access within the subdivision.

Linda Moses- stated she would like to say from experience the kids that live in the PUD homes do not have a place to play. There are only seven and half feet between houses (fifteen feet total).

Nolensville does not need anything like that. If you want people to be involved, where are the Public Notice Sign? Where are the schools for the children of these homes? What does the developer plan to do with the creek of this development? (McFarlin PUD)

Polly McFarlin- stated some of us here have been here all of our lives others have moved in here in subdivision. You have come in and now that you're here you do not want anyone else here. My husband is having to sales his farm. As for what would happen to the creeks and all, Mill Creek does not run threw our property, there is a creek, but let the engineers will tell you about there plans.

Butch Clark- 617 Mer Rouge Drive- stated we moved here about nine years ago for the country like setting. I am not against development but I am against PUDS. How about five acres tracks?

Carol Simpson- stated I have great concerns of developments such as this (McFarlin PUD), people want to come here to enjoy the committee. We are a small committee and would like to welcome folks but there are not enough of us to welcome all the new comers. It takes me 45 minutes to get from Rocky Springs Road to 65 in the morning because of all the construction. I am very concerns of the ripple effort of these home it going to be.

Mike Hayes- stated I enjoy Nolensville a lot. You have got to get your infrastructure in place. Fix the roads and invite some neighbors in.

John Robert Jones- 9950 Maxwell Lane- stated he came to the meeting on January 24 that was held for the proposed annex area on York Road. As far as I can tell you have every right to annex. The only thing that I saw wrong, it was stated the Nicholas had sold to Centex homes, at this time it is an option.

Sharron Zieman- live in Williamson County- stated there are family who live on Clovercroft Road that are very concerns with the traffic that will be routed threw with all the new developments. You are just Nolensville, we have the county and Brentwood and the inter change at McEwen. Williamson County is going to revise there land use policy. I am here to support my neighbors.

Beth Lothers- McFarlin Woods- stated she hopes that the board takes into consideration the view of the committee tonight.

Michael O'kain- 1250 Countyside Road- stated have no less than a standard subdivision. I would ask the board to listen to the people of the Town and vote against PUDS.

Ron Reed- stated watch the water from backing up in Mill Creek or we will all be swimming.

Phillip Tuck- Alec Court- stated he would like to address his concerns for the rezoning from UR to commercial. Please do not rezone that to commercial.

#### Agenda Item VI-                      New Business

##### A.                      Annexation of Kidd Road Area

Henry Laird stated Rob Pease was here tonight requesting the annexation of their property that they are developing as Burkitt Place. This area is east of what is in the city limits now.

Rob Pease states that they have a development called Burkitt Place partly in Davidson County, partly in Williamson County. There was a portion of this development annexed in, and another kind of like an island in itself in Williamson County. What they are asking for is to annex in the small portion in Williamson County to Nolensville. They would like to be considered for approval regardless if the portion of Kidd Road is not.

Mayor states that this is just an annexation that we are not considering any of the project. Mayor wants to make it very clear that this project was approved in Davidson County and Williamson County and it has standing; it has legal precedence. The concept plan that has been approved is a project plan that Nolensville will have to accept because it was not in the Town of Nolensville at the time, but this is only an annexation consideration.

A question was presented as to how many acres the annexation was looking at and the area being considered is approximately 25 to 26 acres. It was stated that is was just the Burkitt Place portion that was 25 to 26 acres. Per Henry Laird the total acreage is over 1100 acres. Mayor asked Rich Woodruff to show the yellow map. Henry stated that the blue is approximately 1170 acres.

Mayor states that first of all the process is that there are no questions from the audience, but that he will answer the questions. This was approved at the county level and at Metro, and they have already starting building homes there and are concept plans, and yes they are smaller lots. Kevin Gangaware makes the statement that whatever has been approved has to be accepted. I believe it is Jimmy Alexander that questions that this is going to be built whether we annex it into Nolensville or not. Rich Woodruff confirms that it will go forward whether it be in front of the Williamson County Planning Commission, which they have already approved the sketch of plans, or it will be in front of the Town of Nolensville. Jimmy Alexander then reiterates what Rich said in that it is going forward whether we annexed it or not.

Larry Gardner questions if we could go ahead and split that little area off since it has already in essence been approved. He sees no problem with just splitting the portion off. Frank Wilson backs him up in saying that they think that's what we need to do. Mayor comments that he is not in favor of that because when we write a plan of service, and we have already written a plan of service for this entire area, including that, and he would like to include it all and do it at one time. But, he states, if it is the will of this board and that is the vote, then that is the vote. Willis Wells questions Larry on why he would like to do it that way, and Larry states that he has issues with the rest of this annexation right now. He states Kidd Road is going to be a problem and that this area here does not really affect Kidd Road. The rest of this, which is a pretty big area, impacts a lot different people. This up here has already been approved so we need to go ahead and get it into our Town limits so that we can start collecting facilities tax off of it so we can run it through our Planning Commission. Eventually it is going to be in the Town.

Mayor states that he will remind all that we did not have control over Sunset Road, and that now we are reaping the benefits of Sunset Road and what has to be done with the roads there. If we have the annexation of this entire area, including Kidd Road, then whatever development occurs in that area, again with impact fees out of facilities tax and the control that we would have from the Planning Commission, he thinks we will have adequate money to take care of Kidd Road, and he does have figures that can back that up.

Larry Gardner asks if we are going be able to enact an Impact Fees. Mayor states that that is his hope. Larry Gardner states that he understands the County is having some trouble enacting fees impact fees unless going through the state legislature. Mayor states that that is incorrect and that our charter specifically states that we can do that, and he actually has an impasse opinion that says that we can impose an impact fee without state approval and it is a road impact fee. Adequate Facilities Tax we would have to do so, but a road impact fee our charter actually states that we have the ability to do that. We did in fact check on that as well as it was a concern that we would have to go back through the state legislature and that is not the case. Larry Gardner states that they would still like to split off that little area.

Henry Laird asks the Mayor if he could say something and to Larry to tie into all this so that development and gentlemen's questions and the reason for looking at the whole area. The project being developed through the county is smaller lot than what we require as a minimum. It can go down to 8000 for resource conservation development project which is similar to what we

call a PUD, and can get even smaller than that in the county of planned resource conservation development and can go up to 3 units per acre down to 1600 minimum size lots. There is reason for concern there in that we cannot control that if it is not in the town.

Mayor Knapper states once again we have precedence set on Rocky Fork where there are 8000 sq. ft. lots that went through the county.

Larry Gardner tries to confirm what Henry said was that if we annexed that now that the minimum lot size would be 11,000. Willis Wells comments that it is whatever has been approved. Henry states that is correct for new developments. Mayor states 1.8 density. Henry states that there project would have to be approved and that this for new projects for this area. Something else comes and is still in the county they could go higher density and smaller lots than what we require. Matt Happel asked if there has been anything submitted for this area, and the Mayors response was just talk, a lot of talk. When asked how much talk, he indicates a lot of interest to buy the area and consolidate it. Matt Happel asks how many homeowners in that area. Henry's response was that he believed it was 70 or 80, but that he did not have the information with him tonight, but it was 70 or 80 lots.

Larry Gardener makes a motion to split the area and have the Burkitt Place portion annexed in, motion dies for lack of second. Jimmy Alexander requests to the BOMA for approval for the annexation of Kidd Road. Bob Haines seconded the motion. Motion passed with Matt Happel, Jimmy Alexander, Frank Wilson, Rick Fisher, Willis Wells, Charles Knapper and Bob Haines to have all of Kidd Road area annexed in to Town of Nolensville. Larry Gardener was against.

#### B. Project Reviews

##### 1. Bent Creek Final PUD Plan: Phase Four, Section 1 & 2

Henry Laird states that this area is just south behind the Reserve at Bent Creek off of Sam Donald Road. Rich Woodruff shows area on map.

Jim Murphy, the attorney that represents the developers of Bent Creek and with him was Eric McNeeley the engineer of the area. He wanted to, for the record, make sure that he puts into the record a copy of the zoning ordinance and subdivision regulations, as well as, a copy of the booklet which they passed out and the drawing Eric passed out so that it is in the record and no questions about what is in the record.

Jim Murphy states that they think that the question is why they are doing this section before they are doing the section on other side of the creek. He is going to get Eric McNeeley to briefly describe the issues that arise and why we need to do this section first, and will follow up after Eric has spoken.

Eric states what he has passed out is an exhibit drawing which basically shows two different drive pasts that go from the proposed ingress/egress point at the Reserve at Bent Creek to the existing entrance into the Bent Creek subdivision. As you can see from the exhibit the issue with access is when we came before this board with the Reserve at Bent Creek we had an inclusive enclave of 41 lots shown with a cul de sac and it was the Town's decision to connect both developments. Overall we have two ingress/egress points if you look at the overall plan. The question has become why you don't develop the other side of the creek before you do this. If you look at the plan I have handed out, the distance from the furthest lot in Phase 4 is shorter to travel out the Reserve property than the distance it would take the proposed Phase 5 development to go out the existing Bent Creek development. I don't think access is really an issue when it comes to how far a car has to travel or if emergency vehicles have to get back into the development. I think we clearly show it is 500 feet shorter to go the back of the Phase 4 development now at the Reserve. And, a condition that was put on us was for the Reserve was we provided 24 feet edge of pavement to edge of pavement instead of 22 feet which would be a relief for emergency

vehicles. Another reason we want to go ahead with this phase of development is we have commitments with our utilities. We already have an agreement with Middle Tennessee Electric where we are running a double conduit through the Reserve to energize future phases of Bent Creek. The double conduit is running parallel with the road running through the Reserve and it is going to serve Phase 4 and then go across the creek and serve Phase 5. We just feel from a logical stand point that it makes better sense we proceed with these 100 lots before we go to the other side of the creek.

Open for questions.

Question presented if Reserve at Bent Creek has been started and if lots have been started. It was confirmed that infrastructure is in place now for Reserve at Bent Creek and moving quickly.

Question presented regarding the Reserve tying into Sam Donald and what was going to be done out there. It was stated that we had asked them to have a traffic engineer perform a left turn analysis and we have provided an amendment to the traffic study and given it to staff engineer and staff planner and with these lots added to the Reserve it does not warrant a left turn and we have documentation.

Question presented if there were going to be any improvements at all to Sam Donald and the answer was no, due to the fact, that it is not warranted.

Rich Woodruff states that another question was regarding in another phase we had them from our subdivision regs shows adjacent to every road that we have a 10 foot drainage and utility easement. I think in earlier phases that they had 5 foot on corner lots, and in the last phase we moved to 10 and on this one it is showing 5 and that is a question for you all on the planning commission. Earlier we had 5 then we went to 10 and now were back to 5 and that is a question that needs to be asked.

The Mayor was asked if he wanted to comment on subject and he indicated he did want to respond to Rich's comment.

Jim Murphy asked if he could respond and stated that their position on it was that the concept plan provided for 5 foot side yard setbacks and that is what we are providing in this plan and that is what the set back is, that is what this development designed with and that is what it went through the BOMA under those 5 foot setbacks and that is the basis as what we are proposing to provide.

Rich Woodruff states that this is just on corner lots at intersections. It does show on the approved concept plans that they are showing 5 foot on that, but in another section, he didn't recall which one at the time, we had asked them to change that and they did on that one, but their concept plan that was approved does show 5 foot on those corners but just wanted to get it out now and worked out because it will pose an issue later. Question asked which one works best. Rich states from an engineering stand point having 10 foot in case you need to put utilities in is better than having 5 foot, but we'll say that they do have approved concept plan that shows 5 foot and I don't know if that is a legal question for Bob.

Bob Notestine states that he didn't have the minutes from that time period in front of him but we did have some flexibility built into the PUD and is one of the things that maybe people don't see about PUD's but allowed us to put some additional conditions on at the time each phase was approved but I do remember that language being in the minutes there somewhere. Mr. Jim Murphy indicated he recalled it as well. Mr. Murphy stated that adding a setback is not a condition because it is really a zoning change and is really only something the BOMA can do. Bob Notestine stated that was an interesting perspective and something that maybe Jim and he will have to argue out, but at any rate we did build that flexibility and now it is a question that if it is in the original concept and PUD plan and there are minutes that approved that it may be kind of a

mute point but I don't know if that has been addressed with the developer or not with their engineering folks.

Mayor presents to Eric that he wants to make sure he understands what is happening here. This project backs up to the Reserve at Bent Creek. These houses are going to use the Reserve at Bent Creek road to get out to Sam Donald Road, correct? Response from Eric - correct. And you are telling me that your traffic study, based on how many homes? Response from Eric- 141. Mayor continued that the traffic study does not warrant a left turn lane? Eric confirms. Mayor makes a recommendation to Mr. Chairman that we defer this as he has not received this document until tonight and has not had a chance to review this document. He does not agree that 141 homes do not warrant a left turn lane. He does not see at this point that this board do final plat approval until we have time to study this and the traffic impact study.

Mayor makes a motion to defer Bent Creek Final PUD Plan until given time to review traffic impact study. Rick Fisher seconded the motion. Motion passed by Mayor Knapper, Rick Fisher, Frank Wilson, Bob Haines, Willis Wells and Larry Gardener. Matt Happel and Jimmy Alexander voted against the motion.

## 2. McFarlin PUD Concept Plan

Bob Notestine brings to Mayor's attention that there are a lot of people here tonight and he knows that the McFarlin PUD Concept Plan is of a lot of interest to folks and he has had discussion with the developer and the Mayor and one of the concerns is that this property has not been annexed into the town yet, but think it is in the process of being annexed. The planning commission, to be able to approve a PUD, has to recommend approval of the PUD to the BOMA. This, if you make some kind of recommendation tonight, it is early in the sense that BOMA has not proceeded with the annexation. But, the question came up tonight is "well, what if the planning commission were to recommend this tonight what effect would that have?" The effect I can see that it would have is to give some kind of positive indication to BOMA about what the planning commission thinks about this project, but, the BOMA would move forward with the annexation. I think probably at the next planning commission meeting if you do move forward with a recommendation tonight that this should be considered for ratification at the next meeting, in other words, in makes sense for the planning commission to ratify its action after the annexation process has taken place. I guess what I am saying is that if you make a recommendation tonight I think it is advisory to the BOMA but I think that there would have to be ratification in the future after the annexation takes place.

Edsel Charles, the developer for McFarlin PUD Concept Plan, states that they sort of regret that they are following what our perception is about planning new developments obviously. We have such a record for doing parks and open spaces and doing it right, but here we are. We have been here two years now in this process and I think, we have done everything, Mayor that we have been asked to do. We came here with that attitude and we worked real careful. We have gone through numerous plans. We have deferred many times when we were asked to do that just to do whatever, but it has been two full years now and I will tell you this, I don't know if I were sitting in your place if I would want to take the time to put on a presentation because it sounds like it would be best to just go through one more piece and then come back and do the other versus just go to recommendation. I appreciate, Bob, tons for you offering to do that, so we are going to do it like we've done it for the last two years. Mayor, I will come back to you, if you would want us to put this on just so that everybody could see the quality of work we do, if they want to see it, we would like to do that, but if you would prefer that we just defer and come back after its annexed and do whatever, I think that I would almost rather find out what everybody would like to have us do. We don't have to have any agenda. We have been terribly cooperative for two full years now, and we don't want to change that tonight.

Mayor Knapper states he agrees and that they have been very cooperative even not being in the city or in the town annexation during this time, or town corporate limits you were not. But, you

continued to wait, not go to the county, and not do what Henry had referred to earlier of possibly 8000 or 6000 sq. foot lots. They have always wanted to work with the Town of Nolensville. I don't think that this is the Mayor's decision; it's this Board's decision. Would you or do you want, Mr. Charles and Billy, to make this presentation so that the members of the audience who have not heard it, can hear it? We can either not make a recommendation, or make a recommendation to the BOMA, and it would be a recommendation pending the annexation whether it goes through, or we can defer that recommendation. So, I think it is the will of the Board, Mr. Chairman, as to what we would do.

Willis Wells states okay and asks do we have any choices about the matter?

Larry Gardner states that he would like for us to hear this presentation and reserve our recommendation to them and make sure the annexation goes through.

Willis Wells states that we do have a lot people here for this interest and it would be more convenient for them to present it now.

Larry Gardener made a motion to defer and to allow them to do a presentation for the audience. Rick Fisher seconded the motion, passed unanimously.

Presentation delivered by Bill Charles.

Topics discussed:

- Proposed Zoning; PUD
- Total Number of Lots Permitted: 673 lots
- Open Space Required: 30%
- Average Lot Size: 14,010 SF
- Minimum Lot Size: 11,000 SF
- Minimum Side Yard: 7.5 Feet
- Sidewalk will be constructed on both sides of the street.

C. Other Issues

1. Street Lighting

Henry Laird addresses street lighting concerns. The issue we wanted to discuss was a policy, or improving the policy on street lights in the subdivision regulations. Basically, the town requires street lights be approved and installed in new developments. There is no mention of who is responsible to pay the light bill for those lights, and this can be very expensive. So, what we are suggesting or recommending, is to consider amending or changing the street lights section, Section 5.9 2 A. There is the possibility to add a sentence under General Standards that would require or state that **the Homeowners Association would be responsible for paying the street lighting bills in a new development.** It mentions who installs them and to what standards but does not mention who is responsible for the bill. Also in Section 5.13.1A under the Homeowner Association Requirements, we suggest possibly adding the wording in bold after the portion that states the Board of Directors who shall be charged with the duty under these regulations and the trust indenture shall maintain all private streets, common areas, **street lighting and any other areas or structures or improvements.** Bob Notestine suggested the language to be added.

Mayor Knapper made a motion for approval. Frank Wilson seconds to motion, passed unanimously.

Bob Haines states after reading through Section 2 C the question came to his mind while we are making amendments/additions to the section is what if this material is not available, in another words, what if acorn style fixture 16 foot light poles are no longer available. There is no provision in here for anything other than that and I was suggesting that if maybe not available that the builder can come back before the Planning Commission for some sort of substitution to build some sort of flexibility. As it reflects now it species the type and style/stock # that must be used.

Rich Woodruff states that the style was what Middle Tennessee Electric gave us as options and what was in stock, and in the end was what was chosen at the time. Rich sees nothing wrong with what is being asked as with anything else styles change, companies go out of business, etc.

Henry Laird states that they can add a phrase that if that occurred that they could add a comparable standard to be approved by the Planning Commission.

Question was presented as to if there were any specifics on why the lighting had to be 16 foot poles, and the response by Rich Woodruff was that the decision was made at the time about the ambient light and how it spreads and why they chose 16. Mayor Knapper confirms the decision was made approximately three years ago and that it was the standard Middle Tennessee Electric light fixture at the time. Some discussion about if it were too low not providing enough light, and too high reflecting into the windows of the homeowners.

Bob Haines made motion to accept this as standard and add to Section C that if current style is not available that an equivalent component can be substituted, but only with Planning Commission or Town written approval. Larry Gardner seconded the motion; passed unanimously.

## 2. MS4 Public Education on Erosion

Rich Woodruff presents information on an erosion DVD that was sent to us from Middle Tennessee College which has a water works presentation which will classify as part of our MS4 requirements for public education. The DVD is titled Storm Water Erosion and You and it explains what storm water is and what erosion is. It is an approximately 15 minutes DVD program.

DVD presented to audience.

## Agenda Item VII- Old Business

### Monthly Bond Report

Rich Woodruff states with the Monthly Bond Report we currently have \$1,496,770 in performance and maintenance bonds throughout the town. Ballenger Farms Section 1 is the next bond that we have coming that has an expiration date of April 30<sup>th</sup>. We will be sending out letters to them. They haven't contacted us yet in wanting to take it to a maintenance bond, and before it goes to a maintenance bond will have to have the letter from their engineers stating everything has been installed per plans and their detention is all in and as built and all that. If they request it, we will go out and look at it and will be looking for those letters and as built on it.

Rick Fisher makes a motion to accept the bond report. Larry Gardener seconds the motion. Passed unanimously.

## Agenda Item VIII - Other Business

Rich Woodruff brings to the Planning Commission about concerns/complaints regarding the blasting and the possibility of implementing a Noise Ordinance which will put stipulations on time



frames when heavy equipment and such can be used in these new developments. He states that it is just a suggestion due to the amount of complaints received.

Mayor Knapper presents to Mr. Chairman that he would like for staff to look into what other municipalities around the area have regarding Saturday/Sunday work, early morning work, late night work and blasting and when it can and cannot occur. Once again, we have no control over blasting other than that we can regulate the time. The state has the control over that.

Agenda Item VIII-      Adjournment

Being no further business to come before the Planning Commission the meeting was adjourned at 9:49 P.M.

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Larry Gardner  
Secretary for the Planning Commission

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Date